

**Representative Raymond P. Ward** proposes the following substitute bill:

**DEATH CERTIFICATE AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Raymond P. Ward**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to death certificates.

**Highlighted Provisions:**

This bill:

- ▶ modifies the deadline for a health care professional to complete the medical section of a death certificate;
- ▶ requires the Department of Health and Human Services (department) to provide a certain format for a health care professional to complete death certificate forms;
- ▶ allows the department to develop an alternative format for a health care provider to use when completing death certificate forms; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26B-8-114**, as renumbered and amended by Laws of Utah 2023, Chapter 306



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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **26B-8-114** is amended to read:

**26B-8-114. Certificate of death -- Execution and registration requirements --  
Information provided to lieutenant governor.**

(1) (a) A certificate of death for each death that occurs in this state shall be filed with the local registrar of the district in which the death occurs, or as otherwise directed by the state registrar, within five days after death and prior to the decedent's interment, any other disposal, or removal from the registration district where the death occurred.

(b) A certificate of death shall be registered if the certificate of death is completed and filed in accordance with this part.

(2) (a) If the place of death is unknown but the dead body is found in this state:

(i) the certificate of death shall be completed and filed in accordance with this section;  
and

(ii) the place where the dead body is found shall be shown as the place of death.

(b) If the date of death is unknown, the date shall be determined by approximation.

(3) (a) When death occurs in a moving conveyance in the United States and the decedent is first removed from the conveyance in this state:

(i) the certificate of death shall be filed with:

(A) the local registrar of the district where the decedent is removed; or

(B) a person designated by the state registrar; and

(ii) the place where the decedent is removed shall be considered the place of death.

(b) When a death occurs on a moving conveyance outside the United States and the decedent is first removed from the conveyance in this state:

(i) the certificate of death shall be filed with:

(A) the local registrar of the district where the decedent is removed; or

(B) a person designated by the state registrar; and

(ii) the certificate of death shall show the actual place of death to the extent it can be determined.

(4) (a) Subject to Subsections (4)(d) and (10), a custodial funeral service director or, if a funeral service director is not retained, a dispositioner shall sign the certificate of death.

57 (b) The custodial funeral service director, an agent of the custodial funeral service  
58 director, or, if a funeral service director is not retained, a dispositioner shall:

59 (i) file the certificate of death prior to any disposition of a dead body or fetus; and

60 (ii) obtain the decedent's personal data from the next of kin or the best qualified person  
61 or source available, including the decedent's social security number, if known.

62 (c) The certificate of death may not include the decedent's social security number.

63 (d) A dispositioner may not sign a certificate of death, unless the signature is witnessed  
64 by the state registrar or a local registrar.

65 (5) (a) [~~Except as provided in Section 26B-8-115, fetal death certificates, the medical~~  
66 ~~section of the certificate of death shall be completed, signed, and returned to the funeral service~~  
67 ~~director, or, if a funeral service director is not retained, a dispositioner, within 72 hours after~~  
68 ~~death by the health care professional who was in charge of the decedent's care for the illness or~~  
69 ~~condition which resulted in death, except when inquiry is required by Part 2, Utah Medical~~  
70 ~~Examiner.] Except as provided in Section 26B-8-115 or when inquiry is required by Part 2,  
71 Utah Medical Examiner, a health care professional who was in charge of the decedent's care for  
72 the illness or condition which resulted in death shall complete, sign, and return the medical  
73 section of the certificate of death within five business days from the day on which the death  
74 occurred to:~~

75 (i) the funeral service director; or

76 (ii) if a funeral service director is not retained, a dispositioner.

77 (b) In the absence of the health care professional or with the health care professional's  
78 approval, the certificate of death may be completed and signed by an associate physician, the  
79 chief medical officer of the institution in which death occurred, or a physician who performed  
80 an autopsy upon the decedent, if:

81 (i) the person has access to the medical history of the case;

82 (ii) the person views the decedent at or after death; and

83 (iii) the death is not due to causes required to be investigated by the medical examiner.

84 (c) For obtaining information for a certificate of death from a health care professional,  
85 the department shall create an online form that allows the health care professional to provide  
86 the information in a format that:

87 (i) clearly indicates that the most important information needed from the form is the

88 underlying cause of death;

89 (ii) allows the health care professional to identify all of the conditions and risk factors  
90 that contributed to the patient's death before designating the most relevant factors as the  
91 underlying cause of death; and

92 (iii) does not require the health care professional to enter an immediate cause of death  
93 if that information is unknown because the patient died at home or in a location where there  
94 was no on-site medical supervision during the period immediately before the death.

95 (d) In addition to the format described in Subsection (5)(c), the department may  
96 continue to allow a health care professional to complete online death certificate forms in a  
97 format developed by the department.

98 (6) When death occurs more than 365 days after the day on which the decedent was last  
99 treated by a health care professional, the case shall be referred to the medical examiner for  
100 investigation to determine and certify the cause, date, and place of death.

101 (7) When inquiry is required by Part 2, Utah Medical Examiner, the medical examiner  
102 shall make an investigation and complete and sign the medical section of the certificate of  
103 death within 72 hours after taking charge of the case.

104 (8) If the cause of death cannot be determined within 72 hours after death:

105 (a) the medical section of the certificate of death shall be completed as provided by  
106 department rule;

107 (b) the attending health care professional or medical examiner shall give the funeral  
108 service director, or, if a funeral service director is not retained, a dispositioner, notice of the  
109 reason for the delay; and

110 (c) final disposition of the decedent may not be made until authorized by the attending  
111 health care professional or medical examiner.

112 (9) (a) When a death is presumed to have occurred within this state but the dead body  
113 cannot be located, a certificate of death may be prepared by the state registrar upon receipt of  
114 an order of a Utah court.

115 (b) The order described in Subsection (9)(a) shall include a finding of fact stating the  
116 name of the decedent, the date of death, and the place of death.

117 (c) A certificate of death prepared under Subsection (9)(a) shall:

118 (i) show the date of registration; and

119 (ii) identify the court and the date of the order.

120 (10) It is unlawful for a dispositioner to charge for or accept any remuneration for:

121 (a) signing a certificate of death; or

122 (b) performing any other duty of a dispositioner, as described in this section.

123 (11) The state registrar shall, within five business days after the day on which the state  
124 registrar or local registrar registers a certificate of death for a Utah resident, inform the  
125 lieutenant governor of:

126 (a) the decedent's name, last known residential address, date of birth, and date of death;  
127 and

128 (b) any other information requested by the lieutenant governor to assist the county  
129 clerk in identifying the decedent for the purpose of removing the decedent from the official  
130 register of voters.

131 (12) The lieutenant governor shall, within one business day after the day on which the  
132 lieutenant governor receives the information described in Subsection (11), provide the  
133 information to the county clerks.

134 Section 2. **Effective date.**

135 This bill takes effect on May 1, 2024.